REMARKS/ARGUMENTS

The non-final Office Action of January 7, 2009, has been reviewed and these remarks are responsive thereto. Claims 1, 11, 33, 49, 58, and 59 have been amended, no claims have been canceled, and new claim 68 has been added. No new matter has been added. Claims 1, 2, 4-11, 33, 34, 36-39, 46, 48-50, 52, 53, 55, and 57-68 are pending in this application upon entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

Objection to the Specification

The specification is objected to, based on 37 C.F.R. § 1.75(d)(1) and MPEP § 608.01(o), as failing to provide proper antecedent basis for the subject matter of claims 58 and 59. More specifically, the Office has objected to the recitation of (one or more) "computer readable media" in claims 58 and 59 as allegedly lacking support in the specification.

Notwithstanding the merits of this rejection, Applicants have amended claims 58 and 59 in order to expedite prosecution. Amended claims 58 and 59 are directed to, "[A] memory having stored therein executable instructions..." Support for a memory storing computer executable instructions can be found, for example, at paragraphs [0026], [0027], and [0029], and Figure 2 (see e.g., RAM memory 17a, ROM memory 17b, SIM card 16) of the printed application publication, US 2002/0044149. Accordingly, the specification objection is thus rendered moot.

Rejections Under 35 U.S.C. § 102

Claims 1, 2, 6, 7, 11, 58, 59, and 63 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,973,612 (Deo). Applicants traverse this rejection for at least the following reasons.

Amended claim 1 recites, in part, receiving a profile message comprising a plurality of profile fields corresponding to terminal operating characteristics, identifying a first user profile on the terminal, and then "storing the plurality of profile fields as the first user profile in the communication terminal." The Office Action alleges on page 4 that Deo teaches a "user profile" at col. 14, lines 6-12, by configuring the device with recipient preferences to determine how an

incoming notification will be presented. Applicants disagree with this characterization of Deo. However, regarding storing user profiles, the Office Action states the following on page 8 (in the rejection of claim 33):

> Deo does not disclose updating the set of user preferences and settings of a first user-selectable profile to correspond to the received plurality of profile fields. Rather, Deo has preset user characteristics that are set to allow or disallow remotely sent characteristics to be used, but does not allow for *storing a change* in the actual user profile.

Applicants agree that Deo does not disclose updating the user preferences and settings of a user profile, and does not disclose storing a change in a user profile. Thus, even assuming, without admitting, that Deo's sender preferences or recipient preferences could be considered "user profiles," Deo still does not disclose or suggest "storing the plurality of profile fields as the first user profile in the communication terminal," as recited in claim 1.

For similar reasons, Deo also does not disclose "wherein upon selection of the first user profile, the communication terminal is configured to operate according to the received plurality of profile fields," as recited in claim 1. As mentioned above, the Office Action alleges that Deo teaches a "user profile" at col. 14, lines 6-12, by configuring the device with recipient preferences to determine how an incoming notification will be presented. Thus, even assuming that Deo's recipient preferences comprise a user profile, Deo still does not teach or even suggest "selection of [a] first user profile [out of one or more user profiles stored in the communication terminal]," as claimed.

Accordingly, Applicants submit that amended claim 1 is not anticipated by Deo. Claim 58 is directed to a memory having stored therein executable instructions to perform a method comprising the same steps recited in claim 1. Thus, claim 58 is not anticipated by Deo for the same reasons as claim 1. Claims 2, 6, 7, 11, 59 and 63 depend from claim 1 or 58 and are not anticipated by Deo for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

For example, claims 2 and 59 recite, "wherein the received plurality of profile fields includes a ringing tone and at least one graphical picture." The Office Action alleges on page 4

that Deo discloses a ringing tone at Col. 2, lines 48-56. However, Deo only discloses appending a sender preference to a notification that indicates whether or not a ringing tone or melody should be played at the receiver terminal. Col. 2, lines 29-38. Deo never discloses or suggests receiving data including an actual ringing tone. This distinction is significant. For example, an incoming call signal received at a conventional or cellular telephone may correspond to an indication that the ringing tone of the telephone should be played, however, this incoming signal does not actually include the data comprising the ringing tone. Thus, Applicants submit that Deo does not disclose or suggest, "wherein the group of terminal operating characteristics includes a ringing tone." Accordingly, claim 2 is not anticipated by Deo for at least this additional reason.

Rejections Under 35 U.S.C. § 103

Claims 4, 8 and 46 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Deo in view of U.S. Patent No. 6,226,367 (Smith). Claims 5, 9, 33, 34, 37-39, 49, 53, 57, and 67 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Deo in view of U.S. Patent No. 7,158,805 (Park). Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Deo, in view of Park, and further in view of U.S. Patent Appl. Pub. No. 2002/0069220 (Tran). Claims 36, 48, 50 and 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Deo, in view of Park, and further in view of Smith. Claims 60-62 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Deo in view of U.S. Patent No. 6,442,263 (Beaton). Claims 64-66 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Deo, in view of Park, and further in view of Beaton.

Since none of Smith, Park, Tran, or Beaton, alone or in combination, cures the deficiencies of Deo discussed above in reference to claim 1, Applicants traverse these rejections.

Independent Claims 1, 33, 49, and 58

Amended claims 33 and 49 stand rejected over Deo in combination with Park. Amended claims 1 and 58 stand rejection under § 102(b) and have been discussed above in reference to Deo, but will now also be considered with respect to the alleged combination of Deo and Park in order to expedite prosecution.

Park describes sending automatic updates of user contact information between multiple communication terminals in a system. Col. 1, lines 53-60. However, Park only describes transmitting simple user contact information, such as phone numbers and email addresses. It does not teach or suggest user profiles corresponding to "set[s] of user preferences and settings that control the operation of the communication terminal," nor does it teach receiving or storing profile fields corresponding to the "terminal operating characteristics" specifically recited in independent claims 1, 33, 49, and 58 (i.e., "a ringing tone field, a ringing volume field, an incoming call alert field, a message alert tone field, a keypad tone field, a warning tone field, or a graphic field"). Therefore, Park also fails to teach or suggest, "storing the plurality of profile fields as the first user profile ... [and] wherein upon selection of the first user profile, the communication terminal is configured to operate according to the received plurality of profile fields," as recited in claims 1 and 58.

Independent claim 49, as amended, recites, "storing the plurality of profile fields as the first user profile in the memory of the apparatus," and "configuring the apparatus to operate according to the received plurality of profile fields when the first user profile is selected on the apparatus." Therefore, amended claim 49 is not obvious over Deo and Park for similar reasons as claims 1 and 58.

Independent claim 33, as amended, recites, "updating the set of user preferences and settings of the first user-selectable profile to correspond to the received plurality of profile fields." The Office Action correctly acknowledges on pages 8-9 that Deo does not disclose this feature, but then alleges that Park teaches updating contact information, "which can read on updating the operating characteristics [of a profile]." Applicants disagree with this characterization of Park. As mentioned above, Park only describes transmitting simple user contact information, such as phone numbers and email addresses. It does not teach or suggest user profiles corresponding to "set[s] of user preferences and settings that control the operation of the communication terminal," nor does it teach receiving or storing profile fields corresponding to the "terminal operating characteristics" specifically recited in claim 33 (i.e., "a ringing tone field, a ringing volume field, an incoming call alert field, a message alert tone field, a keypad tone field, a warning tone field, or a graphic field"). Simply transmitting and storing a phone number or email address between mobile terminals is not the same or equivalent to

"updating the set of user preferences and settings of the first user-selectable profile," or "wherein upon selection of the first user-selectable profile, the communication terminal is configured to operate according to the received plurality of profile fields," as recited in claim 33. Accordingly, amended claim 33 is not obvious over Deo and Park for at least these reasons.

Dependent Claims 2, 4-11, 34, 36-39, 46, 49-50, 52, 53, 55, 57, and 59-67

As discussed below, none of Smith, Tran, or Beaton, alone or in combination, cures the deficiencies of Deo and Park discussed above in reference to independent claims 1, 33, 49, and 58. Therefore, dependent claims 2, 4-11, 34, 36-39, 46, 49-50, 52, 53, 55, 57, and 59-67 are also not obvious over the cited references for at least the same reasons as their respective base claims, as well as based on the additional patentable features recited therein.

Smith describes a technique of using a database of contact information (electronic business cards) to identify a caller of an incoming call and display an icon associated with the caller. Col. 8, lines 9-64. However, as correctly acknowledged on page 10 of the Office Action dated January 30, 2008, Smith also does not disclose updating a profile. Thus, Smith also fails to teach or suggest "storing the plurality of profile fields as the first user profile in the memory of the apparatus," or "updating the set of user preferences and settings of the first user-selectable profile to correspond to the received plurality of profile fields," as recited in independent claims 1, 33, 49, and 58. Furthermore, as discussed in the Amendment submitted December 5, 2007, Smith's electronic business cards contain only simple user contact information and thus do not correspond to "terminal operating characteristics" or "user preferences or settings that control the operation of a communication terminal," as recited in independent claims 1, 33, 49, and 58.

Tran describes a system for receiving and utilizing handwriting input at a mobile computer. However, Tran also fails to disclose or suggest "storing the plurality of profile fields as the first user profile in the memory of the apparatus," or "updating the set of user preferences and settings of the first user-selectable profile to correspond to the received plurality of profile fields," as recited in the pending independent claims.

Beaton, like Smith and Park, relates to transmitting electronic business cards comprising only simple user contact information, such as phone numbers, addresses, and email addresses. Thus, like Smith and Park, Beaton does not teach or suggest "storing the plurality of profile

fields as the first user profile in the memory of the apparatus," or "updating the set of user preferences and settings of the first user-selectable profile to correspond to the received plurality of profile fields," as claimed. Beaton also fails to teach or suggest user profiles corresponding to "terminal operating characteristics" or "user preferences or settings that control the operation of a communication terminal," as recited in independent claims 1, 33, 49, and 58.

Therefore, Smith, Tran, and Beaton do not overcome the deficiencies of Deo and Park with respect to the above-discussed features independent claims 1, 33, 49, and 58. Accordingly, each of dependent claims 2, 4-11, 34, 36-39, 46, 49-50, 52, 53, 55, 57, and 59-67 are not obvious over the cited references for at least their respective base claims, as well as based on the additional patentable features recited therein.

New Claim

Applicants have added new independent claim 68 to more fully claim the invention. No new matter has been added. Claim 68 contains features similar to those discussed above regarding independent claims 1, 33, 49, and 58, as well as several additional features. Accordingly, claim 68 is allowable over the cited references for at least the same reasons as claims 1, 33, 49, and 58, and well as based on the additional features recited therein.

(Conclusion and signature block follow on next page)

<u>CONCLUSION</u>

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,

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Dated this 2nd day of <u>July</u>, 2009

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